

Message Text

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ACTION IO-14

INFO OCT-01 EUR-12 ISO-00 AF-10 ARA-10 EA-10 NEA-10
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TO SECSTATE WASHDC 3023
INFO AMEMBASSY LONDON
AMEMBASSY MOSCOW

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E.O. 11652: NA
TAGS: UNGA, UR
SUBJECT: GENERAL DEBATE ON NON-USE OF FORCE:
STATEMENTS BY UNITED KINGDOM AND MONGOLIA

1. SUMMARY. ON AUGUST 28 THE UK (FIFOOT) AND MONGOLIA (ENHSAIHAN) MADE GENERAL DEBATE STATEMENTS IN THE SPECIAL COMMITTEE ON THE NON-USE OF FORCE. FIFOOT PRESENTED THE WESTERN POSITION WITH FLAIR AND ARGUED THAT A WORLD TREATY ON THE NON-USE OF FORCE MIGHT DETRACT FROM THE UN CHARTER'S PROHIBITION OF THE USE OF FORCE. HE POINTED OUT THAT THE "PROBLEM IS FIRST A WILLINGNESS TO BREAK THE RULE, AND SECONDLY THE ASSERTION OR PRETENSE THAT THE RULES DOES NOT APPLY." HE EXPLORED THE QUESTION OF "EXCEPTIONS OR RESERVATIONS" TO THE PRINCIPLES OF NON-USE OF FORCE, AND HE DELIVERED A POINTED PARABLE CITING THE DEFENESTRATION OF PRAGUE IN 1618 AND THE RESULTING THIRTY YEARS WAR. HE EMPHASIZED THE IMPORTANCE OF STRENGTHENING MACHINERY FOR THE PEACEFUL RESOLUTION OF DISPUTES. MONGOLIAN REP ENHSAIHAN PREDICTABLY ECHOED THE SOVIET LINE ON THIS ITEM. GENERAL DEBATE WILL CONTINUE ON AUGUST 29
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WITH STATEMENTS BY CYPRUS AND BULGARIA. END SUMMARY.

2. FIFOOT ARGUED THAT THE PRINCIPLE OF THE NON-USE OF FORCE IS A "GENERAL NEGATIVE IMPERATIVE," LIKE "THOU SHALT NOT KILL" AND THAT NOTHING IS ADDED BY STATING "THOU SHALT NOT KILL WITH A SWORD, A SPEAR, A DAGGER OR A GUN." FIFOOT ARGUED THAT "SUCH A SPELLING OUT OF INSTANCES, BY

COMPRESSION OR OMISSION, MAY DETRACT FROM THE ORIGINAL GENERALITY." HE SUGGESTED THAT "IT WOULD BE A NEGATION OF WHAT THIS ORGANIZATION STANDS FOR IF WE WERE, BY CHANCE, TO GIVE TO THOSE WHO SEEK TO AVOID THE CHARTER PROHIBITION ON THE NON-USE OF FORCE AN ARGUMENT THAT SOMEHOW IT HAD BEEN OVERTAKEN BY A LATER INSTRUMENT...." FIFOOT POINTED OUT THAT THE BASIC PROBLEM ABOUT THE USE OF FORCE IS NOT THE ABSENCE OF A RULE OR IGNORANCE OF IT. THE PROBLEM IS FIRST A WILLINGNESS TO BREAK THE RULE, AND SECONDLY THE ASSERTION OR PRETENSE THAT THE RULE DOES NOT APPLY. HE ARGUED THAT THE FIRST PART OF THE PROBLEM SHOULD BE APPROACHED BY STRENGTHENING THE MACHINERY FOR RESOLVING DISPUTES.

3. ADDRESSING THE QUESTION OF "EXCEPTIONS OR RESERVATIONS" IN RELATION TO THE PRINCIPLE OF THE NON-USE OF FORCE, FIFOOT ARGUED THAT THE ASSERTION "...THAT ASSISTANCE BY STATES TO THOSE ENGAGED IN WHAT IS REFERRED TO AS THE ARMED STRUGGLE IS CONSISTENT WITH THE CHARTER" IS BY NO MEANS GENERALLY ACCEPTED AS A PROPOSITION OF LAW. HE POINTED OUT THAT GENERAL PROPOSITIONS OF LAW MUST BE ESTABLISHED "BY OBJECTIVE CRITERIA." HE QUOTED A PASSAGE ON THE ANNEXATION OR SEIZURE OF FOREIGN LANDS IN THE LENIN DECREE ON PEACE AS BEING A "RECOGNITION OF THE NEED FOR OBJECTIVITY." FIFOOT CITED AS A SECOND MANIFESTATION OF THE EXCEPTION OR RESERVATION SCHOOL THE ENCOURAGEMENT OF LIMITED OFFICIAL USE

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THE USE OF FORCE INTERNATIONALLY BY PROXY OR COVERTLY. HE NOTED THAT "A WEAK STATE MAY BE THE VICTIM NOT ONLY OF OVERT STATE VIOLENCE BUT ALSO OF VIOLENCE BY ORGANIZATIONS OF GROUPS OF INDIVIDUALS FOSTERED OR ENCOURAGED BY OTHER STATES," AND HE OBSERVED THAT "ALL TOO OFTEN HAVE WE HEARD A DISCLAIMER OF RESPONSIBILITY FOR, OR EVEN AN ATTEMPT AT JUSTIFICATION OF, SUCH ACTS OF VIOLENCE FROM THESE VERY STATES WHICH HAVE PROVOKED THEM."

4. FIFOOT CITED THE "PERMISSIBILITY OF THE INTERNATIONAL ENFORCIBILITY OF CONFESSIOAL ORTHODOXY" AS A THIRD EXAMPLE OF THE RESERVATION SCHOOL. AS COMMITTEE MEMBERS LEANED FORWARD TO CATCH EVERY WORD AND AS EAST EUROPEAN DELEGATES PREPARED THEMSELVES FOR THE WORST, FIFOOT DELIVERED THE FOLLOWING PARABLE WITH PERFECT TIMING:
- "A NUMBER OF STATES SHARE A COMMON CREED. ONE OF THEM DEVELOPS WHAT THE OTHERS BELIEVE TO BE HERETICAL OR SCHISMATIC VIEWS. THE OTHERS INTERVENE BY FORCE TO RESTORE THE TRUE GOSPEL. THERE ARE MANY EXAMPLES OF THIS. I WOULD TAKE ONE FROM MODERN EUROPEAN HISTORY -- FROM CENTRAL EUROPE. NO DOUBT, SIR, THE CASE IS FAMILIAR TO YOU AND MANY MEMBERS OF THIS COMMITTEE ARE AHEAD OF ME.

I REFER, OF COURSE, TO THE EVENTS -- THE MOST DRAMATIC OF WHICH OCCURRED IN PRAGUE ON THE 21ST OF THE MONTH (PAUSE) OF MAY, THREE HUNDRED AND SIXTY YEARS AGO -- OF THE YEAR 1618. IT IS KNOWN TO HISTORIANS AS THE DEFENESTRATION OF PRAGUE AND IS CREDITED AS THE BEGINNING OF THE THIRTY YEARS WAR. NOTWITHSTANDING THE HEGEMONY OF AN ORTHODOX IMPERIAL POWER, THE CITIZENS OF BOHEMIA HAD BECOME ACCUSTOMED TO A LIBERALIZATION IN RELIGIOUS MATTERS. A NEW EMPEROR WAS STRICTER -- THE CITIZENS OF BOHEMIA SOUGHT TO MAINTAIN THEIR MORE LIBERAL PRACTICES. THE ARMIES OF COUNT TILLY AND HIS ALLIES INVADED AND ENFORCED ORTHODOXY." FIFOOT WENT ON TO REMARK THAT "THE INTERNATIONAL ENFORCEMENT OF CONFESSIONAL ORTHODOXY DOES NOT

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DISAPPEAR WITH THE PEACE OF WESTPHALIA" AND THAT "SPEAKING PERHAPS IN STRANGE ACCENTS, BUT NONETHELESS AUTHENTICALLY SACERDOTAL WE HAVE HEARD IT DEFENDED IN OUR OWN DAYS."

5. FIFOOT CONCLUDED HIS STATEMENT WITH A CALL TO THE COMMITTEE TO "ACCENTUATE THE POSITIVE" BY CONSIDERING MEANS "TO STRENGTHEN THE CAPACITY AND MACHINERY" OF THE UN FOR THE PEACEFUL SETTLEMENT OF DISPUTES.

6. MONGOLIAN REP ENHSAIHAN PREDICTABLY WELCOMED THE SOVIET INITIATIVE AND ASSERTED THAT A WORLD TREATY ON THE NON-USE OF FORCE WOULD STRENGTHEN INTERNATIONAL PEACE AND SECURITY AND FURTHER DETENTE. HE MAINTAINED THAT SUCH

A TREATY WOULD BE A USEFUL CODIFICATION OF THE PRINCIPLES OF THE UN CHARTER, AND HE ASSERTED THAT THE SOVIET DELEGATE HAD CONVINCINGLY PROVED THAT ARGUMENTS THAT A WORLD TREATY ON THE NON-USE OF FORCE WOULD WEAKEN THE CHARTER ARE "COMPLETELY UNFOUNDED." ENHSAIHAN MAINTAINED THAT SUCH A WORLD TREATY WOULD IN NO WAY PREJUDICE MEMBER STATES' INDIVIDUAL OR COLLECTIVE RIGHTS TO SELF-DEFENSE OR THE LIMITED OFFICIAL USE

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"INALIENABLE RIGHT" OF COLONIAL PEOPLES TO FIGHT FOR

FREEDOM AND INDEPENDENCE BY ANY MEANS AT THEIR DISPOSAL.

7. ADD AT BEGINNING OF PARAGRAPH 2: UK REP FIFOOT OUTLINED WITH REMARKABLE FLAIR AND STYLE THE WESTERN POSITION ON THIS SOVIET INITIATIVE. HE POINTED OUT THE BREADTH OF THE COMMITTEE'S MANDATE AND HE THEREFORE DECLARED IT TO BE "INAPPROPRIATE" AND "ASTONISHINGLY PREMATURE" TO SUGGEST THAT THE SOVIET DRAFT TREATY BE TAKEN AS A STARTING POINT FOR THE COMMITTEE'S DELIBERATIONS.
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